

**OPINION
47-185**

August 14, 1947 (OPINION)

MOTOR VEHICLES

RE: Scooters - Brakes

This is in reply to your letter of August 12 addressed to the Attorney General.

You inquire whether motor scooters come within the requirements as to brakes or any equipment usually required on motorcycles.

Section 39-1123 of the North Dakota Revised Code of 1943 provides as follows:

BRAKES ON MOTOR VEHICLES AND MOTORCYCLES; REQUIREMENTS. Every motor vehicle, when operated upon a highway, shall be equipped with brakes adequate to control the movement of and to stop and to hold such vehicle, including two separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least two wheels and shall be so constructed that no part which is liable to failure shall be common to the two. A motorcycle need be equipped with only one brake. All such brakes shall be maintained in good working order and shall conform to regulations promulgated by the registrar not inconsistent with this section."

It would be my opinion that a scooter would come within the same classification as a motorcycle and, therefore, would be required to have brakes as a matter of safety as well as for the protection of the public.

NELS G. JOHNSON

Attorney General